

**REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the above amendments and following remarks, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

**I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1 and 4-14 are pending in this application and have been rejected in the Office Action. In this response, claim 1 has been amended.

It is submitted that these claims are patentably distinct from the prior art cited by the Examiner, and that these claims are in full compliance with the requirements of 35 U.S.C. §112. The remarks made herein are not made for the purpose of patentability within the meaning of 35 U.S.C. §§ 101, 102, 103 or 112, but rather the amendments and remarks made herein are simply for clarification and to round out the scope of protection to which Applicants are entitled.

Initially, the Examiner is thanked for granting the Applicants an after final interview. Applicants, however, have a different interpretation regarding the outcome of the interview. As understood by Applicants, the reason for not entering the proposed amendment was not based on anticipation by U.S. Patent No. 2,613,169 to Cunningham ("Cunningham") as stated in the Interview Summary transmitted in the Office communication dated June 7, 2005, but instead was directed to requiring a further search. Regardless, the proposed claim amendment is being made herewith.

In numbered paragraph 1 of the Office Action, the oath or declaration was objected to as being defective. In response, transmitted herewith are revised declarations from both Applicants

clearly indicating the residence, mailing address and citizenship of each. Therefore, it is respectfully requested that the objection to the declarations be withdrawn.

In numbered paragraph 3 of the Office Action, a typographical error in the replacement paragraphs filed in the Amendment dated March 21, 2005 was brought to the Applicants' attention. In response, the specification has been amended to correct the error.

No new subject matter is added as a result of the amended claims or the amended specification.

## **II. THE REJECTIONS UNDER 35 U.S.C. § 102(b) 35 U.S.C. § 103(a)**

In numbered paragraph 5 of the Office Action, claims 1, 4-6, 9, 11 and 13-14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Cunningham. In numbered paragraph 7 of the Office Action, claims 7, 8, 10 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Cunningham in view of U.S. Patent No. 3,178,050 to Doerpinghaus ("Doerpinghaus"). The rejections are traversed for at least the following reasons.

Amended independent claim 1 of the instant application recites, *inter alia*:

clamping mechanism for closing said opening, said mechanism having a receiving portion in which said end is inserted between a ring portion having a radially extending member with a curved engaging surface which extends radially outward and a ring receiving surface having a corresponding geometry to said ring portion wherein a clamping force is exerted by the clamping mechanism clamping said end between said ring portion and said ring receiving surface thereby affixing said mechanism to said end.

Cunningham, either alone or in combination with Doerpinghaus fails to teach, disclose or motivate a skilled artisan to practice a clamping mechanism comprising "a ring portion having a radially extending member with a curved engaging surface which extends radially outward and a ring receiving surface having a corresponding geometry to said ring portion."

The Office Action asserts that Cunningham discloses a clamping mechanism made up of a ring portion 54 and a ring receiving surface 56 as characterized by the Examiner. The “ring portion 54,” however, does not have “a radially extending member with a curved engaging surface which extends radially outward” as required by amended claim 1 of the instant application. Instead, as depicted in Figure 7, the “ring portion 54” of Cunningham has an engaging surface that is flat.

The curved engaging surface of the ring portion of the instant invention is significant. It includes a conical or curved portion at its end. Page 8, line 3. The conical geometry generates higher compressive load in the fabric than a simple flat plate would with the same axial load and has a self-centering tendency when loaded. Page 8, lines 20-22. In addition, the curved engaging surfaces of the ring portion and the ring receiving surface are diverging and impart a gentle transitional geometry which results in reduced stress concentrations in the fabric as well as an improved durability of the fabric. Page 8, lines 25-28. Therefore, the shape of the ring portion of the instant invention allows the clamping mechanism to more effectively seal the vessel as well as results in less damage to the vessel fabric, which increases fabric durability.

Moreover, the clamping force on the fabric in the instant invention is provided by a clamping device that passes through the ring portion and ring receiving surface. In one embodiment, clamping force is provided by a nut 56 that is threaded down on a clamping screw 52. Page 8, lines 7-11. When the clamping screw 52 is tightened, a clamping force is generated on the fabric that is positioned between curved portion 44 of the ring portion 36 and beveled surface 48 of ring receiving surface 6, resulting in a seal between two sides of the fabric. Page 8, lines 16-17. When a clamping force is applied, however, the curved portion 44 and beveled surface 48 do not rotate with respect to one another. Instead, as the clamping screw 52 is

tightened, the surfaces are brought closer to one another while remaining rotationally fixed. In additional embodiments, clamping force can be generated by, but not limited to, a spring clamp with air or hydraulic release or an over-center locking device. Page 9, lines 1-4. In the instant invention, the clamping means or device, ring portion and ring receiving surface are all separate devices or structures. Therefore, the curved portion 44 and beveled surface 48 do not rotate when a clamping force is applied. Since the surfaces in contact with the fabric do not rotate with respect to one another, regardless of the type of clamping device used, they will not abrade the fabric, which results in increased fabric durability.

The clamping mechanism in Cunningham, however, does not operate in a like manner. Instead, for a clamping force to be applied to a fabric, “[t]he nut 56 having wrench holes 57 is engaged with the threaded post 54 and screwed down to clamp the parts firmly in place.” Col. 11, lines 16-19. In this configuration, as depicted in Figure 7, the nut 56 provides the flat clamping surface in contact with the container material. The clamping device (nut 56) and the flat clamping surface are not separate. Instead, they are one structure. Therefore, as the nut 56 is tightened down, the nut surface in contact with the container material rotates or turns. This causes the flat surface of the nut 56 to contact the container material that is being clamped and possibly abrade it, which results in decreased fabric durability.

For at least the foregoing reasons, it is respectfully submitted that amended independent claim 1 patentably distinguishes over Cunningham and Doerpinghaus and is therefore allowable. Further, claims 4-14 that depend from claim 1 are allowable therewith.

Statements appearing above with respect to the disclosures in the cited references represent the present opinions of the Applicant’s undersigned attorney and, in the event that the Examiner disagrees with any such opinions, it is respectfully requested that the Examiner

specifically indicate those portions of the respective reference providing the basis for a contrary view.


**CONCLUSION**

In view of the foregoing, it is believed that all of the claims in this application are patentable over the prior art, and an early and favorable consideration thereof is solicited.

Please charge any fees incurred by reason of this response and not paid herewith to  
Deposit Account No. 50-0320.

Respectfully submitted,  
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